
TITLE 312 NATURAL RESOURCES COMMISSION

Economic Impact Statement
LSA Document #13-294**IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses****Estimated Number of Small Businesses Subject to this Rule:**

The amendment to [312 IAC 8-2-8](#) would permit more groups to access the properties for specific uses that might have previously been denied, such as geocaching. No small businesses are involved in these types of activities. No small business would be affected by this rule.

[312 IAC 8-2-6](#) is proposed to be amended to provide for a Dog Park at Fort Harrison State Park. There are no known private dog parks within Marion County. There is one regional park in Fishers that would be affected by the creation of this rule allowing for dogs to remain unleashed within the Dog Park at the state park. The business in Fishers was contacted and is supportive of the creation of the dog park this rule amendment would allow. The Department believes no known small business would be subject to this rule in an adverse way. More than 10 dog parks in Metropolitan Indianapolis are operated by governmental agencies.

Amendments to [312 IAC 8-2-5](#) would authorize "retail sale of alcoholic beverages for consumption on the premises of a pavilion located within Indiana Dunes State Park if the lessee or concessionaire applies for and secures the necessary permits under [IC 7.1](#)." A lessee or concessionaire would be a private business operation to operate the pavilion for a restaurant and rental for group sales that would allow for alcohol to be served. There is no comparable business from Chicago to Southwest Michigan that serves food and alcohol in a restaurant within or on Lake Michigan. No impacts should be affected, to other "like" businesses along the Lake Michigan waterfront within 25 miles of the state park, by allowing alcohol to be served in this facility.

Estimated Average Annual Reporting, Record Keeping, and Other Administrative Costs Small Businesses Will Incur for Compliance:

Regarding amendments to [312 IAC 8-2-5](#), a selected vendor leasing the Dunes Pavilion located at the Indiana Dunes State Park would be required to operate a private business under current statutes covering all reporting and accounting for current small business operations in the state of Indiana serving alcohol. It is unknown what the timeline will be for compliance, but it is expected to be compatible with any other business of this type that wishes to open and operate a retail restaurant serving alcohol as part of the retail operation. The state is not asking for any additional reporting requirements outside current requirements for businesses serving alcohol in Indiana.

The proposed amendments to [312 IAC 8-2-6](#) and [312 IAC 8-2-8](#) would not impose any annual reporting, record keeping, or other administrative costs to small business.

Estimated Total Annual Economic Impact on Small Businesses to Comply:

It is not expected that the amendment to [312 IAC 8-2-8](#) would cause a positive or negative outcome to as to economic impacts. However, an increase in use of Department lodging and eateries might occur as more groups participating in geocaching activities with the use Department properties on a more regular basis.

There is no direct economic impact to a small business with proposed amendment to [312 IAC 8-2-6](#). The Department anticipates some small business opportunities would arise in the way of advertising and retail sales with the facility through a license concession contract to sell merchandise.

It is estimated that the amendment to [312 IAC 8-2-5](#) would allow for a substantial increase in business for a retail restaurant to operate in the pavilion of the state park, with alcohol being served as part of retail sales within the restaurant. No other restaurant is currently situated on Lake Michigan between Chicago and Southwest Michigan that serves alcohol within an eating establishment. The Department believes there would be a significant positive impact to the business operator not currently available with this coastal region of Lake Michigan.

Justification Statement of Requirement or Cost:

The lease allowing for alcohol to be served would require a fee to the state of Indiana as part of a license/lease. Normally, these fees do not exceed 10% of revenue. Final negotiations between the Department and the potential leasee would determine the cost of operating the business and the revenue generated with alcohol being served that will go to the state of Indiana. The amendment to [312 IAC 8-2-5](#) to permit alcohol would not adversely impact a business but would instead provide a business opportunity that does not currently exist in the state park.

No cost is expected on small businesses regarding amendments to [312 IAC 8-2-6](#) or [312 IAC 8-2-8](#).

Regulatory Flexibility Analysis of Alternative Methods:

The amendment to [312 IAC 8-2-5](#) would lessen the costs to the public by authorizing a business in Indiana

Dunes State Park that can serve food and alcoholic beverages. The opportunity does not currently exist in the state park. A potential small business operator would still need to comply with laws dealing with sales of alcohol within a retail restaurant operation.

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